

Eric C. Rassbach, SBN 288041
The Becket Fund for Religious Liberty
1200 New Hampshire Ave. NW, Suite 700
Washington, DC 20036
Telephone: (202) 955-0095
Facsimile: (202) 955-0090
erassbach@becketlaw.org

Counsel for Defendant-Intervenor

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

THE STATE OF CALIFORNIA; THE
STATE OF DELAWARE; THE STATE OF
MARYLAND; THE STATE OF NEW YORK;
THE COMMONWEALTH OF VIRGINIA,

Plaintiffs,

v.

ERIC D. HARGAN, in his official capacity as
Acting Secretary of the U.S. Department of
Health and Human Services; U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; R. ALEXANDER
ACOSTA, in his official capacity as
Secretary of U.S. Department of Labor; U.S.
DEPARTMENT OF LABOR; STEVEN
MNUCHIN, in his official capacity as
Secretary of the U.S. Department of the
Treasury; U.S. DEPARTMENT OF THE
TREASURY; DOES 1-100,

Defendants,

and,

THE LITTLE SISTERS OF THE POOR,
JEANE JUGAN RESIDENCE,

Defendant-Intervenor.

Case No. 4:17-cv-05783-HSG

**DECLARATION OF ERIC
RASSBACH IN SUPPORT OF
MOTION FOR ORDER
SHORTENING TIME FOR
HEARING AND BRIEFING
SCHEDULE ON THE PROPOSED
DEFENDANT-INTERVENOR'S
MOTION TO INTERVENE**

1 I, Eric Rassbach, declare as follows:

2 1. I am Deputy General Counsel at the Becket Fund for Religious Liberty and am a
3 member of the bar of this Court. I am attorney of record for the proposed Defendant-
4 Intervenor in the above-captioned matter.

5 2. I have personal knowledge of all facts stated in this declaration, and if called to
6 testify, I could and would testify competently thereto.

7 3. The motion to shorten time is made on the ground that the Court has scheduled a
8 hearing on the Plaintiff States' Motion for Preliminary Injunction for December 12, 2017.
9 That hearing date itself was the subject of the States' unopposed motion to shorten time.
10 Doc. 30. It would severely prejudice the Little Sisters to wait for the next available
11 hearing date—February 22, 2018—to be heard on the pending motion to intervene. As
12 outlined in both the motion to shorten time and the motion to intervene, this case
13 primarily concerns the rights of the Little Sisters and other religious objectors to a
14 religious exemption from the federal government's contraceptive mandate. The Little
15 Sisters have already spent more than four years litigating against the Department of
16 Health and Human Services (HHS) to establish the very rights at issue in this case. If
17 the Little Sisters are required to wait the full notice period before their motion to
18 intervene can be heard, the Court will not have the benefit of the Little Sisters'
19 participation as the Court considers the States' Motion for a Preliminary Injunction.
20 That would leave the Little Sisters in the position of potentially having their rights
21 decided by this Court before having the opportunity to be heard.
22

23 4. Pursuant to Civil Local Rule 7-11(a), on November 20, 2017, I emailed counsel for
24 the State of California, Michele Wong, regarding whether Plaintiffs would oppose the
25

1 Intervenor-Defendant's motion for an order shortening time to allow the Court to
2 consider the motion to intervene before the December 12, 2017 hearing. I received a
3 response from Karli Eisenberg, asking for additional information about the motion,
4 which I provided. Ms. Eisenberg informed me that the Plaintiffs oppose this motion.

5 5. On November 20, 2017, Ethan Davis of the Department of Justice informed my
6 colleague and co-counsel, Mark Rienzi, that Defendants take no position on the motion
7 to intervene or the motion to shorten time.
8

9
10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed on November 21, 2017.

12 /s/ Eric Rassbach
13 Eric Rassbach
14
15
16
17
18
19
20
21
22
23
24
25